

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Toshio DOI et al.

Application No.: 10/571,511

Confirmation No.: 8941

Filed: January 8, 2007

Art Unit: 1646

For: METHODS FOR IDENTIFYING AGENTS
FOR PREVENTING OR TREATING
PROLIFERATIVE DISEASES, AND FOR
INHIBITING EXTRACELLULAR MATRIX
OR α 1 TYPE IV COLLAGEN

Examiner: E. Kemmerer

REPLY TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice to File Corrected Application Papers was issued in the above-identified application on October 4, 2010. According to the October 4, 2010, Notice, Figures 6, 8, 16, 17, 18, and 19 and the Figure labels contain foreign language. However, Applicants respectfully submit that none of Figures 6, 8, and 16-19 contain a foreign language, as-filed on March 10, 2006, see Patent Application Information Retrieval, ("PAIR"), March 10, 2006, tagged "Drawings-only black and white line drawings." Further, there are no labels associated with the Figures submitted on March 10, 2006. Moreover, in the Office Action, which issued on November 17, 2008, the Examiner accepted the March 10, 2006, drawings, see PAIR, November 17, 2008, tagged "Non-Final Office Rejection." Accordingly, the drawings as submitted on March 10, 2006, do not contain the asserted deficiency.

In addition, on November 4, 2010, the USPTO issued a Communication, which stated that the Notice to File Corrected Application Papers, which issued on October 4, 2010, contained

an error. Specifically, the November 4, 2010, Communication stated that the October 4, 2010, Communication erroneously stated that "Figs 35-70, 116, 117, 147-154 were made on graph paper or other paper with a pattern or decoration." Accordingly, Applicants do not need to respond to this part of the October 4, 2010, Notice since the instant application does not contain Figs 35-70, 116, 117, 147-154.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

NOV. 22 2010

Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No. 28,977

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Attorney for Applicant

Attachment(s):

A copy of the Notice to File Corrected Application Papers

November 4, 2010, Communication from the USPTO

Copy of drawings filed March 10, 2006



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,511	01/08/2007	Toshio Doi	3749-0124PUS1	8941

2292 7590 10/04/2010
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

KEMMERER, ELIZABETH

ART UNIT	PAPER NUMBER
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1646

NOTIFICATION DATE	DELIVERY MODE
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10/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Application No. : 10571511
Applicant : Doi, et al
Filing Date : 03/10/06
Date Notified : 10/04/10

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 2 month(s) from the mail date of this Notice within which to respond.

The informalities requiring correction are indicated in the attachment(s). If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to respond within the above-identified time period will result in the application being ABANDONED. **This period for reply is NOT extendable under 37 CFR 1.136(a).**

See attachment(s).

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450".*

/Kimberly Terrell/
Publication Branch
Office of Data Management
(571) 272-4200

Application No. 10571511

Drawings filed 03/10/06

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☐ An ink stamp or the image thereof obscures part of the illustration. FIG(s) _____
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks (for example, speckles or dots in a substantial portion of the drawing). FIG(s) _____
- ☐ Figure numbers are duplicated or missing. FIG(s) _____
- ☐ Drawing sheet or figure is missing. FIG(s) _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out or are illegibly handwritten. FIG(s) _____
- ☐ The character of the lines, numbers, and letters is poor. FIG(s) _____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) 35 – 70, 116, 117, 147 – 153.
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☐ Data, a reference number, or part of the drawing is truncated or missing, or a lead line has no reference number. FIG(s) _____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) _____
- ☒ The drawing and/or the FIG. label contain(s) foreign language. All Figure Labels AND foreign language in Figures 6, 8, 16, 17, 18, and 19.
- ☐ A petition under 37 CFR 1.84(a)(2) to accept color drawings has been granted, but the brief description of the drawings in the specification does not contain (or has not been amended to contain) the paragraph required by 37 CFR 1.84(a)(2)(iv).
- ☐ OTHER:
- ☐ COMMENTS:



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,511	01/08/2007	Toshio Doi	3749-0124PUSI	8941

2392 7590 11/04/2010
BIRCH STEWART KOLASCH & BIRCH
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FALLS CHURCH, VA 22040-0747

EXAMINER

KEMMERER, ELIZABETH

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PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of :
Toshio Doi; et al :
Application No. 10571511 :
Filed: 03/10/2006 :
Attorney Docket No. 3749-0124PUS1 :

To Whom It May Concern:

The USPTO mailed a Notice to File Corrected Application Papers to your office on 10/04/2010. This notice contained an error in that it appeared to state that Figs 35-70, 116, 117, 147-153 were made on graph paper or other paper with a pattern or decoration. As this application does not contain such figures, there is no requirement to correct these figures.

The Notice to File Corrected Application Papers also included the correct drawing deficiencies in that the drawings and the Figure Labels do contain foreign language.

A corrected Identification of Drawing Deficiencies is attached. Applicant has the *time remaining* from the original notice of 10/4/10 to make the appropriate corrections. This letter *does not* restart the time period for response.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

Sincerely,

Kimberly Terrell, Manager
Office of Data Management
Publications Branch

Application No. 10571511 Drawings filed 03/10/06

IDENTIFICATION OF DRAWING DEFICIENCIES

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- ☐ OTHER:
- ☐ COMMENTS: